



W.P.No.31172 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.31172 of 2022
and W.M.P.No.30601 of 2022

M.Kasi

... Petitioner

Vs.

- 1.The District Collector,
Chengalpet.
- 2.The District Revenue Officer,
Chengalpet.
- 3.The Revenue Divisional Officer,
Chengalpet.
- 4.The Tahsildar,
Vandalur Taluk,
Vandalur, Chengalpet District.

5.S.Pushparaj

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for records on the file of the second respondent issued notice in Na.Ka.38525/2022/A24 dated 28.09.2022 to appear for enquiry on 27.10.2022 at 5 P.M. and quash the same and consequently direct the second respondent not to conduct any enquiry.



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For Petitioner : Mr.R.Chandrasekaran

For Respondents : Mr.U.Bharanidharan,
Additional Government Pleader

ORDER

The petitioner has filed this petition for issuance of Writ of Certiorarified Mandamus calling for records on the file of the second respondent issued notice in Na.Ka.38525/2022/A24 dated 28.09.2022 to appear for enquiry on 27.10.2022 at 5 P.M. and quash the same and consequently direct the second respondent not to conduct any enquiry.

2. With the consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Since no adverse order is being passed against the fifth respondent, notice to the fifth respondent is dispensed with.

4. The case of the petitioner is that the property comprised in



S.No.177/11 to an extent of 48 cents situated at Pudupakkam Village, Vandalur Taluk, Chengalpet District was given to the petitioner's father as gift deed. Subsequently, the petitioner's father executed a will for the aforesaid property in favour of the petitioner. Thereafter, the petitioner is in possession and enjoyment of the property. This being the case, the fifth respondent viz., S.Pushparaj made a petition before the respondents 2 and 3 with false claim over the subject property and seeking to cancel the patta. Whiles, on the basis of the petition given by the fifth respondent, the third respondent has submitted a report to the second respondent. Pursuant to which, the second respondent is taking steps to conduct an enquiry and notice was issued to appear before the second respondent for enquiry on 27.10.2022. Aggrieved over the same, the petitioner has filed this writ petition.

5. Learned counsel for the petitioner would submit that this Court may grants liberty to the petitioner to file appropriate appeal before the District Revenue Officer/second respondent within a time frame to be fixed by this Court.



6. Learned Additional Government Pleader appearing for the respondents would submit that he has no objection for the said liberty being granted by this Court.

7. Heard the learned counsel on either side and perused the materials available on record.

8. In view of the consent expressed by both the parties, this Court, grants liberty to the petitioner to file an appropriate appeal before the District Revenue Officer/second respondent within a period of one week from the date of receipt of a copy of this order. On such filing, the District Revenue Officer/second respondent is directed to consider the same by affording reasonable opportunity of hearing to the petitioner as well as fifth respondent and pass appropriate orders on merits and in accordance with law.

9. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.



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Index : Yes/No

Speaking Order : Yes/No

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